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Dated: August 11, 2009
Electronic Signature for Andrew T. Zidel: /Andrew T. Zidel/

Docket No.: SCEI 3.0-109
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Toru Morita

Application No.: 10/027,561

Group Art Unit: 2441

Filed: December 20, 2001

Examiner: D. M. Bayard

For: SYSTEM AND METHOD FOR PROVIDING
CONTENT, AND RELAY APPARATUS

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

Applicant hereby files this brief on Appeal to appeal from the final rejection of claims 1-6, 9-13 and 21 mailed December 2, 2008 ("the final Office Action"). A Notice of Appeal was filed on April 20, 2009.

While new appeal rules were set to take effect on December 10, 2008, implementation of such rules were suspended indefinitely as set forth in 73 F.R. 238 at 74972 (December 10, 2008). In view of this, this Appeal Brief does not conform to the format set forth in the suspended appeal rules.

REAL PARTY IN INTEREST

This application is assigned to Sony Computer Entertainment Inc. by the Assignment recorded April 11, 2002 at reel 012806 and frame 0880.

RELATED APPEALS AND INTERFERENCES

No prior or pending appeals, interferences, or judicial proceedings are known to be related to, directly affect, or be directly affected by, or have a bearing on, the Board's decision in the present appeal.

STATUS OF CLAIMS

Claims 1-20 were originally filed in the instant application. Claims 4-8 and 13-20 were cancelled during prosecution. New claim 21 was added during prosecution. Claims 1-3, 9-12 and 21 stand finally rejected per the final Office Action. Appellant appeals from the final rejection and submits that claims 1-3, 9-12 and 21 are patentable over the art of record.

STATUS OF AMENDMENTS

Pursuant to 41.37(c)(iv), no amendments were filed subsequent to the rejections in the final Office Action.

SUMMARY OF CLAIMED SUBJECT MATTER

The claimed subject matter of the instant application relates generally to systems and methods that provide content based upon a code unique to a client device.

Claim 1 recites: A system for providing a content (1 in FIG. 1; p.7 ll.16-18) comprising: a content providing apparatus for providing content (4 in FIG. 1; p.7 ll.20-22), the content providing apparatus including a memory ("Memory" in FIG. 5 (added via December 27, 2007 Amendment); p.9 ll.7-13); and a relay apparatus connected to a multi-function mobile telephone through a subscriber telephone network (25 in FIG. 1; p.9 ll.17-22), the relay apparatus being operable to convert a telephone number of the multi-function mobile telephone into an ID code unique to the multi-function mobile telephone ("ID CODE" in FIG.

1; p.9 11.17-20), wherein communication between the multi-function mobile telephone and the content providing apparatus is performed through the relay apparatus based on the ID code (see FIG. 1; p.10 11.8-20), the relay apparatus comprising a unit that notifies the content providing apparatus of the ID code of the multi-function mobile telephone ("Notifying Unit" in FIG. 6 (added via December 27, 2007 Amendment); p.11 11.12-18), wherein the memory of the content providing apparatus is for storing progress of current game playing, so that if a game is suspended during operation, the game may be resumed at a point of suspension by re-accessing the memory of the content providing apparatus ("Memory" in FIG. 5; p.9 11.9-12), wherein the system further comprises an information terminal connected to the subscriber telephone network using the multi-function mobile telephone (5 and/or 51 in FIG. 2, 6 in FIG. 3; p.10 11.21-27, p.16 11.2-7), and wherein the content providing apparatus further includes: a unit operable to provide the content to the information terminal ("Content Providing Unit" of FIG. 5; p.12 11.12-15); and a unit operable to identify the information terminal to which the content is provided based on the ID code notified by the relay apparatus ("Identifying Unit" of FIG. 5; p.14 11.4-15), so that the memory of the content providing apparatus stores the progress of current game playing at the information terminal identified based on the ID code ("Memory" of FIG. 5; p.9 11.9-13, p.10 11.15-20, p.12 11.6-13).

Independent claim 9 recites a system for providing a content (1 in FIG. 1; p.7 11.16-18), comprising: a server connected to a computer network for providing the content (4 in FIG. 1; p.7 11.20-22); a terminal connected to a telephone communication network and having a telephone number unique thereto (2 in FIG. 1, p.9 11.17-20, p.17 11.2-3, p.19, 11.22-23); and a relay apparatus for connecting the telephone

communication network to the computer network (25 in FIG. 1; p.9 11.17-22); wherein the relay apparatus comprises: a unit for relaying communications between the terminal and the server (13 and 25 in FIG. 1; p.9 1.25 to p.10 1.7, p.19 1.26), a unit for connecting the terminal to the computer network in response to a dial-up connection request from the terminal (13 in FIG. 1; p.7 11.22-24; p.9 1.25 to p.10 1.7), a unit for detecting the telephone number of the terminal (25 in FIG. 2; p.11 11.6-11), a unit for converting the telephone number into a unique code (25 in FIG. 2; p.6 11.9-13, p.9 11.17-20, p.11 11.2-5), and a unit for notifying the server of the unique code ("Notifying Unit" in FIG. 6 (added via December 27, 2007 Amendment); p.11 11.12-18); and the server comprises: a unit for providing the content to the terminal ("Content Providing Unit" of FIG. 5 (added via December 27, 2007 Amendment); p.9 11.3-6, p.12 11.12-15) and a memory ("Memory" in FIG. 5; p.9 11.7-13); and a unit for identifying the terminal to which the content is provided based on the unique code ("Identifying Unit" of FIG. 5; p.14 11.4-15); wherein the server memory is for storing progress of current game playing, so that if a game is suspended during operation, the game may be resumed at a point of suspension by re-accessing the server memory, and the server memory stores the progress of current game playing at the terminal identified based on the unique code ("Memory" of FIG. 5; p.9 11.9-13, p.10 11.15-20, p.12 11.6-13).

And independent claim 21 recites a method for providing content, comprising: providing a content providing apparatus for providing content (4 in FIG. 1; p.7 11.20-22), the content providing apparatus including a memory ("Memory" in FIG. 5 (added via December 27, 2007 Amendment); providing a relay apparatus operable to be connected to a multi-function mobile telephone through a subscriber telephone network (25 in FIG. 1;

p.9 11.17-22); operating the relay apparatus to convert a telephone number of the multi-function mobile telephone into an ID code unique to the multi-function mobile telephone (25 in FIG. 2; p.6 11.9-13, p.9 11.17-20, p.11 11.2-5), wherein communication between the multi-function mobile telephone and the content providing apparatus is performed through the relay apparatus based on the ID code (see FIG. 1; p.10 11.8-20); wherein the memory of the content providing apparatus is operable to store progress of current game playing, so that if a game is suspended during operation, the game may be resumed at a point of suspension by re-accessing the memory of the content providing apparatus ("Memory" of FIG. 5 (added via December 27, 2007 Amendment); p.9 11.9-13, p.10 11.15-20, p.12 11.6-13); wherein the relay apparatus comprises a unit that notifies the content providing apparatus of the ID code of the multi-function mobile telephone ("Notifying Unit" in FIG. 6 (added via December 27, 2007 Amendment); p.11 11.12-18); wherein the method further comprises connecting an information terminal to the subscriber telephone network using the multi-function mobile telephone (5 and/or 51 in FIG. 2, 6 in FIG. 3; p.10 11.21-27, p.16 11.2-7); wherein the content providing apparatus includes: a unit operable to provide the content to the information terminal ("Content Providing Unit" of FIG. 5 (added via December 27, 2007 Amendment); and a unit operable to identify the information terminal to which the content is provided based on the ID code notified by the relay apparatus ("Identifying Unit" of FIG. 5; p.14 11.4-15), so that the memory of the content providing apparatus stores the progress of current game playing at the information terminal based on the ID code ("Memory" of FIG. 5; p.9 11.9-13, p.10 11.15-20, p.12 11.6-13).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- I. Whether claims 1-3, 9-12 and 21 are obvious under 35 U.S.C. § 103(a) based upon U.S. Patent No. 6,370,394 to *Anttila* ("*Anttila*") in view of U.S. Patent Publication No. 2003/0060247 to *Goldberg* ("*Goldberg*").
- II. Whether claim 4 is obvious under 35 U.S.C. § 103(a) based on the '394 Patent and the '247 Publication in view of U.S. Patent Publication No. 2005/0021863 to *Jungck* ("*Jungck*").
- III. Whether claim 5 is obvious under 35 U.S.C. § 103(a) based on the '394 Patent and the '247 Publication in view of U.S. Patent Publication No. 2005/0193209 to *Saunders* ("*Saunders*").
- IV. Whether claim 6 is obvious under 35 U.S.C. § 103(a) based on the '394 Patent and the '247 Publication in view of U.S. Patent No. 6,148,253 to *Taguchi* ("*Taguchi*").
- V. Whether claim 13 is obvious under 35 U.S.C. § 103(a) based on the '394 Patent and the '247 Publication in view U.S. Patent Publication No. 2001/0025275 to *Tanaka* ("*Tanaka*").

ARGUMENT

I. Obviousness over Anttila and the Goldberg

The final Office Action asserted that claims 1-3, 9-12 and 21 are obvious over *Anttila* in view of *Goldberg*. Of these, claims 1, 9 and 21 are independent.

Before addressing the specifics of these claims, the Examiner's "Response to Arguments" section of the final Office Action should be addressed. This response states:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "game settings/state engine 1312 is part of game engine 1302, which itself is part of an "option simulation engine 1300" as shown in FIG 13 and described at column 11, lines 1-55. For instance, "Fig 13 is a block diagram illustrating an option simulation engine 1300. Option simulation engine

1300 is comprised of a game engine 1302, an option market simulation 1304, and a portfolio manager engine 1306.") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(Final Office Action, p.2, emphasis added.)

These "features" are addressed as though they are coming from applicant's disclosure. This is incorrect. As the August 27, 2008 amendment made clear, the prior rejection in the March 27, 2008 Office Action was based in part on U.S. Patent No. 6,709,330 ("*Klein*"). As explained in the prior amendment, the rejection cited a single sentence in *Klein*, namely at column 11, lines 44-48. The amendment went on to describe other portions of *Klein* (e.g., column 11, lines 2-6 and 9-12), which showed why the rejection was flawed. It is those portions of *Klein* which are quoted in the Response to Arguments section of the final Office Action.

A. Independent Claims 1 and 21 and dependent claim 3

1. There is no "communication means" in claims 1 and 21

As an initial matter, the rejection of independent claims 1 and 21 asserts that *Anttila* "teaches communication means, including a subscriber telephone network, for establishing communication with a multi-function mobile telephone (See col. 6, lines 65-67, col. 7, lines 1-3 and figure 2, ...)" (Final Office Action, numbered section 4(a), p.3, emphasis added.) Neither claim 1 nor claim 21 recites a "communication means" as asserted. To the extent that the Examiner is reading limitations into these claims, appellant submits that this is improper.

2. *Anttila* does not use a multi-function mobile telephone to connect an information terminal to a network

Independent claim 1 recites, in part, "the system further comprises an information terminal connected to the subscriber

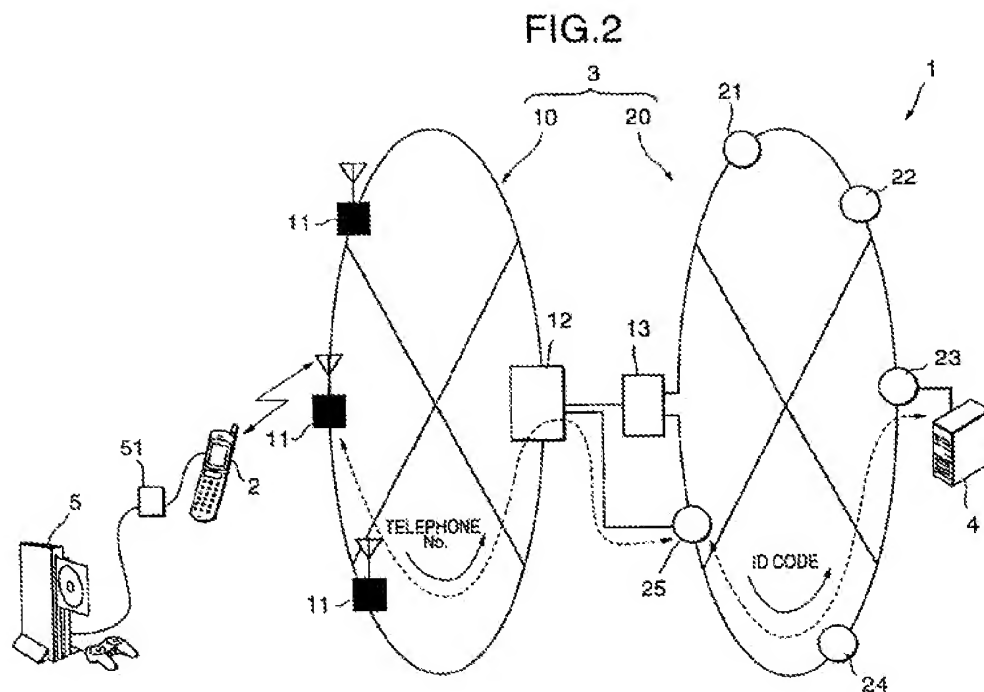
telephone network using the multi-function mobile telephone." And independent claim 21 recites, in part, "the method further comprises connecting an information terminal to the subscriber telephone network using the multi-function mobile telephone."

The rejection asserts that *Anttila* discloses such features, stating "[w]herein the system further comprises an information terminal connected to the subscriber telephone network using the multi-function mobile telephone (See col. 6, lines 25-40, *terminal device*)..." (Final Office Action, p.4, emphasis in original.) What the cited portion of *Anttila* actually states is:

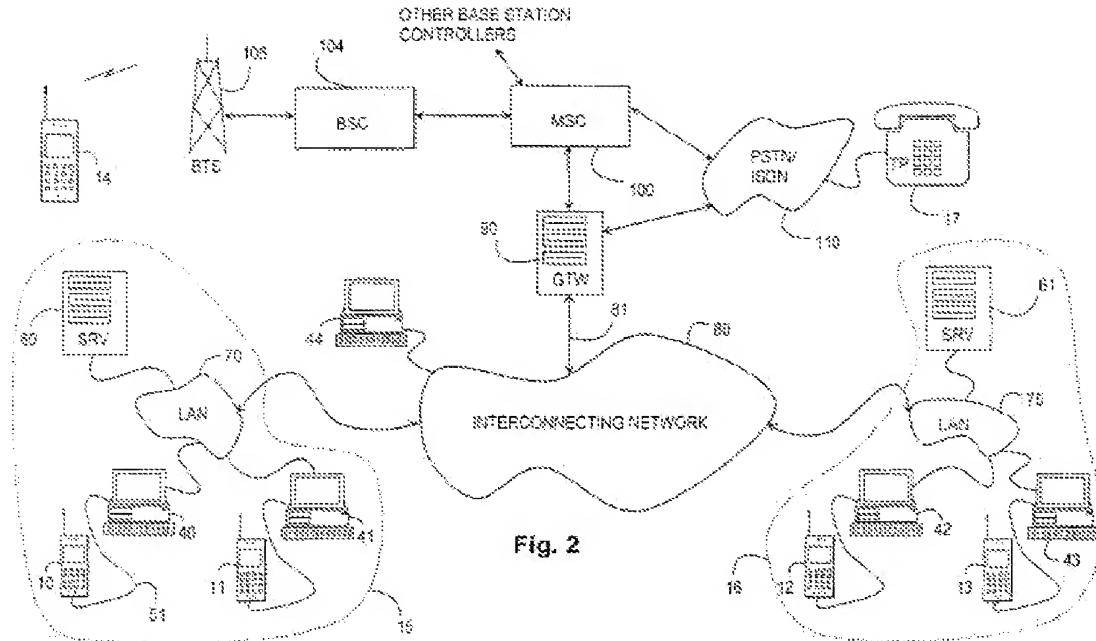
In addition to above, server 60 is connected to the first local system 15 to provide typical file services and other services. The second local system 16 has a corresponding structure comprising server 61 connected to local area network 75, computers 42 and 43, and further mobile stations 12 and 13 according to the invention connected to them. The mobile stations according to the invention are connected to the computers either with interconnecting cable 51, or using infrared connection 52 (FIG. 3). It is also possible to use, instead of interconnecting cable 51 or infrared connection 52, low power transceiver units (not shown in the figure) operating at radio frequencies, of which one is placed in mobile station 10, 11, 12, 13 and the other in terminal device 40, 41, 42, 43. The information transfer media used between a mobile station and a terminal does not essentially have an effect on the operation of the call transfer system according to the invention.

(*Anttila*, col.6, ll.25-40, emphasis added.)

FIG. 2 of the application on appeal illustrates one example of an information terminal connected to a subscriber telephone network using a multi-function mobile telephone as claimed. This figure is reproduced below, with 10 being a subscriber telephone network, 2 being a multi-function mobile telephone, and 5 comprising an information terminal such as a video gaming machine.



As shown, the device 5 couples to the telephone network 10 through the multi-function mobile telephone 2. This is not what *Anttila* discloses. By way of example, FIG. 2 of *Anttila* shows that the telephones, e.g., telephones 10, 11, 12 and 13, are endpoints which couple to LANs 70 and 75 through computers 40, 41, 42 and 43, respectively. FIG. 2 of *Anttila* is reproduced below.



Anttila explains that calls are routed from one telephone to another through the computers. For instance, "[i]f a normal call is concerned, and the user (B-subscriber) answers, the transfer of the call between A-subscriber (e.g. telephone 17) and (B-subscriber) through terminal device 40, local area network 70, interconnecting 65 network 80, network server 90 and telephone network 110 is started. (Col.9, 11.60-67, emphasis added.) Similarly, "[a]bove it was described such a situation in which mobile station 10 according to the invention was connected to telecommunication networks through its 'own home terminal device' 40." (Col.10, 11.26-29, emphasis added.) Furthermore, "[w]hen mobile station 10, 11, 12, 13 is connected through terminal device 40, 41, 42, 43 to local area network 70, 75 and further through interconnecting network 80 to telecommunication networks, mobile station 10, 11, 12, 13 operates like a telephone of a line network and the radio parts typical of a mobile station need not be used for information transfer." (Col.13, 11.13-18, emphasis added.) *Anttila's* disclosed configuration is not what is claimed.

3. *Goldberg* does not overcome the admitted defects of *Anttila*

Claim 1 recites that the content providing apparatus includes a memory that "is for storing progress of current game playing, so that if a game is suspended during operation, the game may be resumed at a point of suspension by re-accessing the memory of the content providing apparatus." Furthermore, the memory "stores the progress of current game playing at the information terminal identified based on the ID code." Method claim 21 includes similar limitations.

The rejection of claims 1 and 21 contends that a "content providing apparatus" is found in *Anttila*, as recited at column 6, lines 25-26. See final Office Action, p.3, numbered section 4(a). The single sentence referred to states "In addition to above, server 60 is connected to the first local system 15 to provide typical file services and other services." (*Anttila*, col.6, ll.25-27.) Nothing in *Anttila* discloses or otherwise suggests that either component identified in this sentence, i.e., server 60 or first local system 15, includes a memory for storing progress of current game playing as claimed.

The rejection appears to acknowledge this deficiency in *Anttila*, and relies on *Goldberg*. According to the final Office Action:

Goldberg et al teaches wherein the memory of the content providing apparatus stores the progress of current game playing at the information terminal identified based on the ID code and storing progress of current game playing, so that if a game is suspended during operation, the game may be resumed at a point of suspension by re-accessing the memory of the content providing apparatus (See paragraph [0020], [0060] and [0102]).

(Final Office Action, p.4, emphasis added.)

The cited paragraphs of *Goldberg* state:

[0020] Moreover, it is an aspect of the present invention that each player may interact with and play a game at a time and pace (i.e., tempo) substantially of the player's choosing. In particular, the player is not bound by a required order or sequence of play involving other players, even though the player may be in competition with other players. In fact, a player may cease play for an extended time while in the midst of a game and subsequently continue

the game at the point where the player ceased to play. Thus, if the present invention is easily accessible, then players may interact with the present invention at their leisure.

[0060] In FIG. 2, an embodiment of a gaming station 18 is illustrated. The gaming station 18 includes a player input area 204 wherein a player may press touch-sensitive portions of a thin film laminated with blackjack player operations and requests. Immediately above the player input area is a player output display area 208 for displaying blackjack gaming information related to the player. Optionally, each gaming station 18 may include a player identification card reader 216 so that a blackjack player may identify him/herself at a gaming station 18 by swiping a magnetic identification portion of a player identification card (not shown) through the card slot 220 thereby allowing the card reader 216 to transmit the player's encoded identification upon his/her card to the blackjack game controller 14. However, it should be noted that other configurations of the gaming station 18 are also contemplated by the present invention. In particular, gaming station 18 may not have a card reader 216. Instead, a blackjack player may be required to register either manually or automatically at a site remote from the gaming station 18, or, alternatively personal identification numbers may be provided to players for identifying themselves via the player input area 204 wherein, for example, a numeric digit provided in the lower bottom portion of some of the touch-sensitive areas may be used by the player to input a personal identification number. Further, the arrangement of the touch-sensitive portions of the player input area 204 and the format of the display area 208 (both being discussed in detail below) may have other arrangements and still be within the scope of the present invention.

[0102] Returning now to step 436, if the player request is related to a current blackjack and/or blackjack tournament, then step 476 is encountered wherein the blackjack driver 426 uses the player's identification (ID) provided with the request for retrieving any status information from the database system 28 regarding any current blackjack game and/or blackjack tournament in which the player may be currently involved. Subsequently, in step 480, a determination is made as to whether the player request is to commence a new blackjack game in a current tournament. If so, then in step 484 the blackjack driver 26 requests confirmation from the wager accounting module 30 that the player can commence with a new blackjack game in the current tournament. That is, the wager accounting module 30 determines whether the player has sufficient tournament credits to continue in the tournament. Following this, in step 488, the blackjack driver 26 determines whether a confirmation has been received from the wager accounting

module 30. If no such confirmation is provided, then in step 492, the blackjack driver 26 outputs a message to the player at his/her Internet client node 318 (gaming station 18) indicating that no further blackjack games in the current tournament may be played by the player.

FIG. 1 of *Goldberg* illustrates "a first embodiment of an electronic system 10 for the present invention of playing blackjack." (*Goldberg*, paragraph 0037.) In particular, "the blackjack gaming system 10 includes a blackjack game controller 14 electronically connected to one or more potentially remote gaming stations 18 so that for each gaming station a player may play blackjack." (*Id.*) As shown in FIG. 1, the blackjack game controller 14 couples not only to the gaming stations 18, but to a blackjack player registration and playing status database 28.

Goldberg explains the database 28 as follows:

[0044] In performing the above tasks, the blackjack driver 26 communicates with a blackjack player registration and playing status database 28. The database system 28 maintains in persistent storage information regarding each blackjack player. In particular, the database system 28 maintains:

[0045] (2.1) information identifying each player; e.g., a unique player identification code;

[0046] (2.2) information regarding, for example, each blackjack player's financial status; in particular, a credit limit and a current amount of funds (either to be paid or received from the player);

[0047] (2.3) for each person registered to play blackjack, information regarding the status or context of any game the player is presently playing; that is, sufficient information is stored so that the blackjack game controller 14 can retrieve this information and continue a blackjack game in response to receiving a player's request;

[0048] (2.4) for each person registered to play blackjack, information regarding any blackjack tournament that the player is playing; in particular, since such a tournament typically requires a tournament player to complete a specified number of blackjack games in a predetermined amount of time and/or to complete a specified number of blackjack games out of a total number of blackjack games, the following types of information maybe stored: (a) information relating to the number of blackjack games completed by the player; (b) information related to the time

and/or the number of games remaining in the tournament; and
(c) information related to the amount of funds or points in the player's account for the tournament.

Goldberg explains with regard to FIG. 4A that the blackjack game controller 14 receives blackjack game requests from gaming stations 18. As shown in step 476 and as explained in paragraph 0102, the player's identification (ID) is provided with the request from the user's gaming station. What *Goldberg* discloses is not what is claimed.

Claims 1 and 21 require that the relay apparatus convert a telephone number of a multi-function mobile telephone into an ID code unique to the telephone. Communication between the telephone and the content providing apparatus takes place through the relay apparatus using the unique ID code established by the relay apparatus.

Goldberg fails to overcome the deficiencies of *Anttila* for at least the following reasons:

Goldber's player identification is not the claimed ID code of claims 1 and 21. *Goldberg* employs a player identification that identifies the player. See *Goldberg* at paragraphs 0025 and 0060. It is not an ID code unique to a multi-function mobile telephone as in claims 1 and 21.

Even if the player's identification could be considered equivalent to the claimed unique ID code of claims 1 and 21 (which appellant submits is not the case), *Goldberg* states that the player's identification is provided as part of a request from the game station 18. This is opposite to what occurs in the claims.

For example, in claims 1 and 21 the relay apparatus takes the multi-function mobile telephone's telephone number and converts it to the unique ID code. *Goldberg* does not disclose or suggest taking the player's identification and altering it or

creating a unique ID code at a relay apparatus. Rather, in *Goldberg* the player's identification is part of the request generated at the player's gaming station 18 and is used "for retrieving any status information from the database system 28 regarding any current blackjack game and/or blackjack tournament in which the player may be currently involved." (*Goldberg* paragraph 0102).

Even assuming, *arguendo*, that the player's identification is equivalent to the claimed unique ID code, it is not created by a relay apparatus as claimed. Appellant submits that *Goldberg* teaches away from what is claimed, because conversion of the player's identification into something else would render it unusable in *Goldberg's* invention. As discussed above, the player's identification is used to retrieve current game status information. If one were to convert the player's identification into a unique ID code as claimed, *Goldberg's* system would not be able to retrieve the status information from database 28 using the player's identification.

Thus, even if it were possible to incorporate the teachings of *Goldberg* into *Antilla* as suggesting in the rejection (which appellant submits is not feasible), it would not result in the claimed invention.

4. *Anttila* does not disclose a "multi-function mobile telephone"

Claims 1 and 21 recite a "multi-function mobile telephone." According to the specification, multi-function mobile telephones may provide Internet connectivity or gaming capabilities. See, e.g., page 4, 11.1-25. As best understood, *Anttila's* disclosed telephone, such as is shown in FIG. 4, is not a "multi-function mobile telephone" as recited in the claims.

Appellant submits that *Goldberg* fails to overcome the defects of *Antilla*. The applied combination omits numerous

features recited in claims 1 and 21. Therefore, the rejection fails to set forth a proper *prima facie* case of obviousness. Claim 3 depends from independent claim 1 and contains all the limitations thereof. For at least this reason, claim 3 is likewise patentable over the combination of *Anttila* and *Goldberg*.

B. Independent Claim 9 and dependent claims 10-12

Claim 9 recites that the server includes a memory that "is for storing progress of current game playing, so that if a game is suspended during operation, the game may be resumed at a point of suspension by re-accessing the server memory." Furthermore, the server memory "stores the progress of current game playing at the terminal identified based on the unique code."

The rejection of claim 9 contends that the claimed "server" is found in *Anttila*, as recited at column 6, lines 25-26. See final Office Action, p.5, numbered section 4(b). The single sentence referred to states "In addition to above, server 60 is connected to the first local system 15 to provide typical file services and other services." (*Anttila*, col.6, ll.25-27.) Nothing in *Anttila* discloses or otherwise suggests that either component identified in this sentence, *i.e.*, server 60 or first local system 15, includes a memory for storing progress of current game playing as claimed.

The rejection appears to acknowledge this deficiency in *Anttila* and relies on *Goldberg* to overcome it. As with claims 1 and 21, the rejection cites to paragraphs 0020, 0060 and 0102 of *Goldberg*, which have been reproduced *supra* in section I(A).

FIG. 1 of *Goldberg* illustrates "a first embodiment of an electronic system 10 for the present invention of playing blackjack." (*Goldberg*, paragraph 0037.) In particular, "the blackjack gaming system 10 includes a blackjack game controller 14 electronically connected to one or more potentially remote gaming stations 18 so that for each gaming station a player may

play blackjack." (*Id.*) As shown in FIG. 1, the blackjack game controller 14 couples not only to the gaming stations 18, but to a blackjack player registration and playing status database 28.

Goldberg explains the database 28 in paragraphs 0044-0048, which have been reproduced in section I(A) above. *Goldberg* discusses with regard to FIG. 4A that the blackjack game controller 14 receives blackjack game requests from gaming stations 18. As shown in step 476 and as explained in paragraph 0102, the player's identification is provided with the request from the user's gaming station. What *Goldberg* discloses is not what is claimed.

Claim 9 requires that the relay apparatus convert a detected telephone number of a terminal into a unique code, notify the server that provides the content of the unique code, and relay communications between the terminal and the server. *Goldberg* fails to overcome the deficiencies of *Anttila* for at least the following reasons:

Goldber's player identification is not the claimed unique code of claim 9. *Goldberg* employs a player identification that identifies the player. See *Goldberg* at paragraphs 0025, 0060. It is not a unique code converted from the telephone number as in claim 9.

Even if the player's identification could be considered equivalent to the claimed unique code of claim 9 (which appellant submits is not the case), *Goldberg* states that the player's identification is provided as part of a request from the game station 18. This is opposite to what occurs in the claim.

For example, in claim 9 the telephone number of the terminal is detected and converted into a unique code. *Goldberg* does not disclose or suggest taking the player's identification and altering it or creating a unique code at a relay apparatus.

Rather, in *Goldberg* the player's identification is part of the request generated at the player's gaming station 18 and is used "for retrieving any status information from the database system 28 regarding any current blackjack game and/or blackjack tournament in which the player may be currently involved." (*Goldberg* paragraph 0102).

Even assuming, *arguendo*, that the player's identification is equivalent to the claimed unique code (which appellant submits is not the case), it is not created by a relay apparatus as claimed. Appellant submits that *Goldberg* teaches away from what is claimed, because conversion of the player's identification into something else would render it unusable in *Goldberg's* invention. As discussed above, the player's identification is used to retrieve current game status information. If one were to convert the player's identification into a unique code as claimed, *Goldberg's* system would not be able to retrieve the status information from database 28 using the player's identification.

Thus, even if it were possible to incorporate the teachings of *Goldberg* into *Antilla* as suggesting in the rejection (which appellant submits is not feasible), it would not result in the claimed invention.

Appellant submits that *Goldberg* fails to overcome the defects of *Antilla*. The applied combination omits numerous features recited in claim 9. Therefore, the rejection fails to set forth a proper *prima facie* case of obviousness. Claims 10-12 depend from independent claim 9 and contains all the limitations thereof. For at least this reason, claims 10-12 are likewise patentable over the combination of *Antilla* and *Goldberg*.

C. Dependent claim 2

This claim recites "[a] system according to claim 1, wherein the information terminal has a display device larger in size than a display device of the multi-function mobile telephone." The rejection asserts "[a]s per claim 2, Anttila in view of Goldberg et al teaches wherein the information terminal has a display device larger in size than a display device of the multi-function mobile telephone (See col. 9, lines 37-42)." (Final Office Action, p.6, numbered section 4(c).) Appellant respectfully disagrees.

The cited portion of *Anttila* actually states "[t]he following is the description of the operation of one embodiment of the information transfer system according to the invention when mobile station 10 has been successfully connected to terminal device 40, either using cable 51, infrared connection 52 or a pair of low-power radio transceivers." Nothing in this cited section discloses or otherwise suggests the limitations of claim 2. Therefore, not only is claim 2 patentable because of its dependency on claim 1, it is also separately patentable because the applied combination does not disclose the features claimed.

II. Obviousness of claim 4 over *Anttila* and *Goldberg* in view of *Jungck*

Claim 4 depends from independent claim 1 and includes all the limitations thereof. For at least the reasons presented above in section I, appellant submits that claim 4 is patentable over the applied combination.

III. Obviousness of claim 5 over *Anttila* and *Goldberg* in view of *Saunders*

Claim 5 depends from independent claim 1 and includes all the limitations thereof. For at least the reasons presented above in section I, appellant submits that claim 4 is patentable over the applied combination.

IV. Obviousness of claim 6 over *Anttila* and *Goldberg* in view of *Taguchi*

Claim 6 depends from independent claim 1 and includes all the limitations thereof. For at least the reasons presented above in section I, appellant submits that claim 4 is patentable over the applied combination.

V. Obviousness of claim 13 over Anttila and Goldberg in view of Tanaka

Claim 13 depends from independent claim 9 and includes all the limitations thereof. For at least the reasons presented above in section I, appellant submits that claim 4 is patentable over the applied combination.

In conclusion, appellant submits that the pending claims are not obvious over the art recited in the final Office Action. *Anttila* and *Goldberg* fail to disclose all of the features claimed in the independent claims. The other art of record, including *Jungck*, *Saunders*, *Taguchi* and *Tanaka*, fails to overcome these deficiencies. In view of the above, a reversal of the rejections in the instant application is respectfully requested.

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Respectfully submitted,

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CLAIMS APPENDIX

1. (rejected) A system for providing a content comprising:

- a content providing apparatus for providing content, the content providing apparatus including a memory; and
- a relay apparatus connected to a multi-function mobile telephone through a subscriber telephone network, the relay apparatus being operable to convert a telephone number of the multi-function mobile telephone into an ID code unique to the multi-function mobile telephone, wherein communication between the multi-function mobile telephone and the content providing apparatus is performed through the relay apparatus based on the ID code, the relay apparatus comprising a unit that notifies the content providing apparatus of the ID code of the multi-function mobile telephone,

wherein the memory of the content providing apparatus is for storing progress of current game playing, so that if a game is suspended during operation, the game may be resumed at a point of suspension by re-accessing the memory of the content providing apparatus,

wherein the system further comprises an information terminal connected to the subscriber telephone network using the multi-function mobile telephone, and

wherein the content providing apparatus further includes:

- a unit operable to provide the content to the information terminal; and
- a unit operable to identify the information terminal to which the content is provided based on the ID code notified by the relay apparatus, so that the memory of the content providing apparatus stores the progress of current game playing at the information terminal identified based on the ID code.

2. (rejected) A system according to claim 1, wherein the information terminal has a display device larger in size than a display device of the multi-function mobile telephone.

3. (rejected) A system according to claim 2, wherein the communication is performed through the Internet and the relay apparatus is a gateway arranged to the subscriber telephone network to connect the subscriber telephone network to the Internet.

4. (rejected) A system according to claim 2, wherein the relay apparatus is a DNS server owned by an Internet service provider.

5. (rejected) A system according to claim 2, wherein the content providing apparatus is an Internet server which provides one or both of a program and data for video gaming.

6. (rejected) A system according to claim 5, wherein the information terminal connected to the multi-function mobile telephone is a video gaming machine which is operated while monitoring an image presented on the display device thereof.

7-8. (cancelled)

9. (rejected) A system for providing a content, comprising:
a server connected to a computer network for providing the content;

a terminal connected to a telephone communication network and having a telephone number unique thereto; and

a relay apparatus for connecting the telephone communication network to the computer network;

wherein the relay apparatus comprises:

a unit for relaying communications between the terminal and the server,

a unit for connecting the terminal to the computer network in response to a dial-up connection request from the terminal,

a unit for detecting the telephone number of the terminal,

a unit for converting the telephone number into a unique code, and

a unit for notifying the server of the unique code; and

the server comprises:

a unit for providing the content to the terminal

a memory; and

a unit for identifying the terminal to which the content is provided based on the unique code;

wherein the server memory is for storing progress of current game playing, so that if a game is suspended during operation, the game may be resumed at a point of suspension by re-accessing the server memory, and the server memory stores the progress of current game playing at the terminal identified based on the unique code.

10. (rejected) A system according to claim 9, wherein the computer network is the Internet.

11. (rejected) A system according to claim 9, wherein the terminal comprises a mobile telephone connected to the telephone communication network.

12. (rejected) A system according to claim 9, wherein the unit for detecting the telephone number of the terminal detects the telephone number of the terminal when the terminal places the dial-up connection request.

13. (rejected) A system according to claim 9, wherein the server further comprises a unit which performs a fee billing process to the terminal to which the content is provided based on the unique code.

14-20. (canceled)

21. (rejected) A method for providing content, comprising:

providing a content providing apparatus for providing content, the content providing apparatus including a memory;

providing a relay apparatus operable to be connected to a multi-function mobile telephone through a subscriber telephone network;

operating the relay apparatus to convert a telephone number of the multi-function mobile telephone into an ID code unique to the multi-function mobile telephone, wherein communication between the multi-function mobile telephone and the content providing apparatus is performed through the relay apparatus based on the ID code;

wherein the memory of the content providing apparatus is operable to store progress of current game playing, so that if a game is suspended during operation, the game may be resumed at a point of suspension by re-accessing the memory of the content providing apparatus;

wherein the relay apparatus comprises a unit that notifies the content providing apparatus of the ID code of the multi-function mobile telephone;

wherein the method further comprises connecting an information terminal to the subscriber telephone network using the multi-function mobile telephone;

wherein the content providing apparatus includes:

a unit operable to provide the content to the information terminal; and

a unit operable to identify the information terminal to which the content is provided based on the ID code notified by the relay apparatus, so that the memory of the content providing apparatus stores the progress of current game playing at the information terminal based on the ID code.

EVIDENCE APPENDIX

No evidence is submitted in the Evidence Appendix.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings as discussed in the section entitled "Related Appeals and Interferences."